

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**NOTICE OF HEARING AND MOTION FOR ORDER
AUTHORIZING RULE 2004 EXAMINATIONS**

1. Randall L. Seaver, the Chapter 7 Trustee (the “**Trustee**”) in the above-referenced case, applies to the Court for authorization to conduct Bankruptcy Rule 2004 examinations of Forest Lake Motor Sports, Deborah Fallon, Lisa Gagliardi, Nancy Applebaum, Gordon and Robyn Brooks, Steve Mathiesen, Keith Schweiger, Kevin Schweiger, Teachers Federal Credit Union, Definitive Integrations, Power Lodge, Bill Rickard, Automotive Concepts, Highland Bank, Equity 4 U, New Dimension Advisors, Minnesota Department of Public Safety, Driver and Vehicle Services and American Express and gives notice of hearing:

2. The Court will hold a hearing on this motion on October 21, 2009 at 10:00 a.m. before the Honorable Robert J. Kressel in Courtroom 8 West, 300 South Fourth Street, Minneapolis, Minnesota 55415, or as soon thereafter as counsel may be heard.

3. Any response to this motion must be filed and delivered no later than October 16, 2009 which is three (3) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than October 9, 2009, which is seven (7) days before the time set for the hearing (excluding Saturdays, Sundays, and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This case was commenced as a voluntary Chapter 7 case on June 4, 2009. The case is now pending in this Court. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§157 and 1334, Bankruptcy Rule 5005 and Local Rule 1070-1. This proceeding is a core proceeding. This Application arises under Bankruptcy Rule 2004. This Application is filed under Local Rule 2004-1.

5. The entity for which Rule 2004 examination authority is sought is as follows and is expected to have the following information:

- a. Forest Lake Motor Sports - Both the entity and its officers or employees have engaged in transactions with the Debtor. See attached Exhibit 1.
- b. Deborah Fallon, Lisa Gagliardi and Nancy Applebaum – These are women who may have received transfers from the Debtor.
- c. Gordon and Robyn Brooks – May have knowledge about assets of the Debtor.
- d. Steve Mathiesen – Has knowledge about Debtor's financial affairs.
- e. Keith Schweiger and Kevin Schweiger – May have knowledge regarding Debtor's financial affairs.
- f. Teachers Federal Credit Union – In his amended statement of financial affairs, the Debtor has admitted that he transferred over \$100,000 in money and other benefits to Christi Rowan in the one year prior to filing. The Trustee is aware that Christi Rowan used an account at Teachers Federal Credit Union. That financial institution may have knowledge regarding the Debtor's financial affairs, because monies of the Debtor may have been transferred to Christi Rowan by deposit into her account at that financial institution.
- g. Definitive Integrations – Has knowledge of the purchases by Debtor or others of technology for Debtor's properties.
- h. Power Lodge – Has knowledge of Debtor's assets and their locations.
- i. Bill Rickard – Has knowledge of Debtor's assets and their locations.
- j. Automotive Concepts – May have knowledge relating to Debtor's assets.

- k. Highland Bank – This bank may have knowledge regarding the Debtor's financial or business affairs.
- l. Equity 4 U – This entity has apparently issued checks to some of the Hecker related business interests and it would have knowledge regarding those checks.
- m. New Dimension Advisors – This is a business entity apparently started by the Debtor post-petition.
- n. Minnesota Department of Public Safety, Driver and Vehicle Services – Has records of the registration of vehicles titled in the name of the Debtor and entities owned by the Debtor, and transfer records for those vehicles.
- o. American Express - May have information regarding the Debtor's financial affairs.

WHEREFORE, the Trustee requests that this Court enter an order pursuant to Bankruptcy Rule 2004 approving the Trustee's examination of Forest Lake Motor Sports, Deborah Fallon, Lisa Gagliardi, Nancy Applebaum, Gordon and Robyn Brooks, Steve Mathiesen, Keith Schweiger, Kevin Schweiger, Teachers Federal Credit Union, Definitive Integrations, Power Lodge, Bill Rickard, Automotive Concepts, Highland Bank, Equity 4 U, New Dimension Advisors, Minnesota Department of Public Safety, Driver and Vehicle Services and American Express.

**LEONARD, O'BRIEN
SPENCER, GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: September 29, 2009

By _____

Matthew R. Burton, #210018
Attorneys for Randall L. Seaver, Trustee
100 South Fifth Street, Suite 2500
Minneapolis, Minnesota 55402-1216
(612) 332-1030

VERIFICATION

I, Randall L. Seaver, the Trustee and moving party named in the foregoing notice of hearing and motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/e/ Randall L. Seaver

Dated: September 29, 2009

Randall L. Seaver

408706



Direct Dial: 612.492.7167
Email: cmoyer@fredlaw.com

September 4, 2009

VIA E-MAIL AND U.S. MAIL

Randall L. Seaver, Esq.
U.S. Chapter 7 Panel Trustee
Portland Corporate Center
12400 Portland Ave. S., Ste. 132
Burnsville, MN 55337

**Re: Dennis E. Hecker
Bky. Case No. 09-50779**

Dear Mr. Seaver:

This letter is in response to your letter of August 28, 2009, regarding certain snowmobiles that were listed on an insurance schedule but not turned over to Fred Radde for auction. We have learned that Mr. Hecker had an arrangement with Forest Lake Motor Sports ("FLMS") to use demos, which were subsequently returned to FLMS and sold. Mr. Hecker has no specific records relating to any of the snowmobiles. That arrangement with Forest Lake Motor Sports pertains to all but one of the snowmobiles on your list. In addition to the foregoing, we offer you the following specific information about certain of the snowmobiles:

1. 2005 Polaris Classic Touring – sold by FLMS to Leigh Klanhamer
2. 2005 Polaris Edge Classic Touring 599 – sold by FLMS to David Clark
3. 2005 Polaris Fusion Stock 866 – sold by FLMS to David Olson
4. 2007 Polaris 340 Edge – sold by FLMS to Thomas Ahlman
5. 2008 Polaris 700 IQ – sold by FLMS to Richard Mayer
6. 2008 Polaris FST IQ Touring – sold by FLMS to Bruce Puchill

FLMS may have records relating to these sales. Mr. Hecker does not. With regard to the 2002 Polaris Indy XCF, Mr. Hecker was told that FLMS does not have records relating to it but

EXHIBIT

tabbed

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200 South Sixth Street, Suite 4000
Minneapolis, Minnesota
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Randall L. Seaver, Esq.
September 4, 2009
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that Polaris shows it registered to Marvin Rambo. Neither Mr. Hecker nor FLMS have records relating to the other 2002 Polaris snowmobiles you listed, but Mr. Hecker reports they were demos that he used and returned, like the others.

Lastly, with regard to the 2006 Artic Cat Z 370, Mr. Hecker reports that belongs to Jake Hecker and therefore, it is not property of the estate.

Please feel free to contact me with any questions or concerns.

Very truly yours,


Cynthia A. Moyer

cc: Matthew Burton, Esq. (via Email)
Dennis Hecker
Clinton E. Cutler, Esq.

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

BKY No. 09-50779

In re:

Chapter 7

Dennis E. Hecker,

Debtor.

UNSWORN CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2009, I caused the following documents:

Notice of Hearing and Motion for Order Authorizing Rule 2004 Examinations and Order (proposed)

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first class mail, postage paid, to the following:

SEE ATTACHED SERVICE LIST

/e/ Stephanie Wood

Dated: September 29, 2009

Stephanie Wood
100 South Fifth Street, Suite 2500
Minneapolis, MN 55402
(612) 332-1030

406460

**DENNIS E. HECKER
BKY CASE NO.: 09-50779
SERVICE LIST**

Forest Lake Motor Sports
15219 Feller Street
Forest Lake, MN 55025

Deborah Fallon
35533 Sand Point Drive, Unit 7
Crosslake, MN 56442

Deborah Fallon
5215 Ridge Road
Edina, MN 55436

Lisa Gagliardi
5348 Humboldt Avenue
Minneapolis, MN 55419

Nancy Applebaum
15815 16th Place
Minneapolis, MN 55447

Gordon and Robyn Brooks
31838 Green Scene Drive
Pequot Lakes, MN 56472

Steve Mathiesen
612 Weber Drive
Sturgis, SD 57785-2016

Keith Schweiger
2291 Ocala Court
Mendota Heights, MN 55120

Kevin Schweiger
2291 Ocala Court
Mendota Heights, MN 55120

Teachers Federal Credit Union
P.O. Box 1260
Minneapolis, MN 55440

Definitive Integrations
2630 Pioneer Lane
St. Cloud, MN 56301

Power Lodge
17821 State Highway 371
Brainerd, MN 56401

Bill Rickard
4632 Tree Farm Rd
Pequot Lakes, MN 56472-2811

Automotive Concepts
2731 Nevada Avenue North
New Hope, MN 55427

Highland Bank
1200 Nicollet Mall
Minneapolis, MN 55403

Equity 4 U
209 11th Street
Lamar, MO 64759

New Dimension Advisors
500 Ford Road
Minneapolis, MN 55426

Minnesota Attorney General
1400 Bremer Tower
445 Minnesota Street
St. Paul, MN 55101

Minnesota Department of Public Safety,
Driver and Vehicle Services
500 Lafayette Road
St. Paul, MN 55155

American Express
c/o CT Corporation System
1200 South Pine Island Road
Plantation, FL 33324

Dennis E. Hecker
P.O. Box 1017
Crosslake, MN 56442

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UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re: BKY No. 09-50779
Dennis E. Hecker, Chapter 7
Debtor.

ORDER FOR RULE 2004 EXAMINATIONS

This case is before the Court on the Motion of Randall L. Seaver, Trustee to allow him to conduct an examination pursuant to Federal Rule of Bankruptcy Procedure 2004 of Forest Lake Motor Sports, Deborah Fallon, Lisa Gagliardi, Nancy Applebaum, Gordon and Robyn Brooks, Steve Mathiesen, Keith Schweiger, Kevin Schweiger, Teachers Federal Credit Union, Definitive Integrations, Power Lodge, Bill Rickard, Automotive Concepts, Highland Bank, Equity 4 U, New Dimension Advisors, Minnesota Department of Public Safety, Driver and Vehicle Services and American Express.

Based on the files and records,

IT IS HEREBY ORDERED: The Trustee, Randall L. Seaver, may examine Forest Lake Motor Sports, Deborah Fallon, Lisa Gagliardi, Nancy Applebaum, Gordon and Robyn Brooks, Steve Mathiesen, Keith Schweiger, Kevin Schweiger, Teachers Federal Credit Union, Definitive Integrations, Power Lodge, Bill Rickard, Automotive Concepts, Highland Bank, Equity 4 U, New Dimension Advisors, Minnesota Department of Public Safety, Driver and Vehicle Services and American Express pursuant to Federal Rule of Bankruptcy Procedure 2004.

Dated: _____

Robert J. Kressel
U.S. Bankruptcy Judge